

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHAEL HYDE

Plaintiff,

v.

STATE OF MASSACHUSETTS ET AL.,)

Defendants.

Civil Action No. 04-12429-RWZ

PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION FOR CRIMINAL  
SANCTION

The plaintiff respectfully moves this Honorable Court for a hearing on this motion  
supported in this memorandum.

The plaintiff, Michael J Hyde, respectfully moves this court to impose criminal sanctions against the defendants for multiple violations of Federal Laws concerning Identity theft and Privacy Laws. The defendants have willfully compromised the personal financial and general well-being of the plaintiff in their defense exhibits. These exhibits didn't need to contain my social security number ("ssn"), Mother's Maiden name, or vehicle registration number. In many cases, their exhibits contain so much information that an amateur criminal could take on my identity or harm my financial well-being.

The defendants had the apparent means to "EDIT" out sensitive information but didn't. The plaintiff moves the court to examine the following examples provided by the defendants' motions to dismiss as in support of the Sanctions requested by the plaintiff. In attorney Annette Benedetto's memorandum to dismiss, she provides in her exhibits (page 3 and 4), my social security number ("ssn"), Mother's Maiden name, and vehicle registration number. These documents apparently provided by the state police (Paul Baker and Rachael Routhier), Scott W Dunlap (represents the state police), and the Norfolk County District Attorneys office (William R. Keatings, Max Pearlman, and Jason Bolio). In attorney Robert Harnais's memorandum to dismiss, he provides in his exhibits (page 2), my SSN# was apparently provided by the Norfolk County Sheriff and or Office.

In the plaintiff's exhibits for the Sanctions (pages 1-3), I provided examples as to "EDIT" the plaintiff's social security number ("ssn"), Mother's Maiden name, and vehicle registration number. The Honorable Court may impose other edits of personal information disseminated by the defendants about the plaintiff as well as other Sanctions against the defendants and or counsel representing the defendants. In addition the plaintiff will provide any other details or testimony upon request of this Honorable Court.

It is unfathomable to a person of common reason that the details the defendants willfully provided in their exhibits could be used to "aid and abet" anyone who has access to the internet (PACER) as one example or retrieve the documents at the court in person to commit identity theft because as we all know, all complaints as well as motions are public record. This means that a professional criminal in the field of Identity Theft would have the plaintiff as easy prey due to the violations of Federal law committed by the defendants. One might ask "is this a case of the defendants holding a personal grudge against the plaintiff or is this activity common in the day-to-day deeds of the defendants". If this is a case of "accidental willful misuse" by the defendants, then maybe a through Federal Investigation of all Massachusetts publicly accessible documents is necessary for the protection of any person[s] that may also have their financial integrity jeopardized by the state's apparent lack of obeying Federal Law[s].

The plaintiff asserts that the defendants didn't need to present in their motions any personally identifiable information like a SSN as public record. In addition the plaintiff also asserts that this exhibition of personally identifiable information like a SSN was produced out of its original context and submitted in a public forum as to "aid and abet" another unlawfully.

Here are the facts as to defendants exhibits Annette Benedetto's memorandum to dismiss page 3 and 4, my social security number ("SSN"), Mother's Maiden name, and vehicle registration number, apparently provided by the state police Paul Baker, Rachael Routhier, (Scott W Dunlap represents the state police) and the Norfolk County District Attorneys office (William R. Keatings, Max Pearlman, and Jason Bolio). Also attorney Robert Harnais's memorandum to dismiss, he provides in his exhibits (page 2), my SSN# that was apparently provided by the Norfolk County Sheriff and or Office. This is a clear violation of U S CODE title 18 part 1 chapter 47 section 1028 (Fraud and related activity in connection with identification documents, authentication features, and information)

**(a)** Whoever, in a circumstance described in subsection (c) of this section—  
**(7)** Knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law

**(b)** The punishment for an offense under subsection (a) of this section is—

**(2)** Except as provided in paragraphs (3) and (4), a fine under this title or imprisonment for not more than three years, or both, if the offense is—

**(A)** Any other production, transfer, or use of a means of identification, an identification document,<sup>[1]</sup> authentication feature, or a false identification document; or

- (B) An offense under paragraph (3) or (7) of such subsection
- (c) The circumstance referred to in subsection (a) of this section is that—
- (3) Either—
- (B) The means of identification

(7) The term "means of identification" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any—

- (A) Name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number.

This law is used in conjunction with the **IDENTITY THEFT AND ASSUMPTION DETERRENCE ACT of 1998** to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes. [NOTE: Oct. 30, 1998 - [H.R. 4151]

**§ 003. Identity Theft.**

"(7) Knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law;"

(c) Circumstances. --Section 1028(c) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) Either—

"(B) The means of identification, identification document, false identification document, or document- making implement is transported in the mail in the course of the production, transfer, possession, or use prohibited by this section."

(d) Definitions. --Subsection (d) of section 1028 of title 18, United States Code, is amended to read as follows:

"(d) In this section—

"(3) The term 'means of identification' means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any--

"(A) Name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number.

Another Federal law that applies is The Privacy Act of 1974, 2004 Edition.

## **CRIMINAL PENALTIES**

"Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000." 5 U.S.C. § 552a(i)(1).

And finally in relating to MGL chapter 266 section 37E **Use of personal identification of another; identity fraud; penalty; restitution**

"Harass", willfully and maliciously engage in an act directed at a specific person or persons, which act seriously alarms or annoys such person or persons and would cause a reasonable person to suffer substantial emotional distress.

"Personal identifying information", any name or number that may be used, alone or in conjunction with any other information, to assume the identity of an individual, including any name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, credit card number or computer password identification.

(b) Whoever, with intent to defraud, or to harass another shall be guilty of identity fraud and shall be punished by a fine of not more than \$5,000 or imprisonment in a house of correction for not more than two and one-half years, or by both such fine and imprisonment.

(c) Whoever, with intent to defraud, or who obtains personal identifying information about a person without the express authorization of such person in order to assist another to pose as such person in order to obtain money, or to harass another shall be guilty of the crime of identity fraud and shall be punished by a fine of not more than \$5,000 or imprisonment in a house of correction for not more than two and one-half years, or by both such fine and imprisonment.

Please see examples 1 thru 14 identified at the bottom of each page.

The legitimacy for Emergency Criminal Sanctions cannot be more clearly provide. To put my personal information for public access is performed by Massachusetts State officials and their counsel. This action of willfully presenting my personal identifying information to the public has created a colossal emotional distress to my wife and me. She having professional banking knowledge is highly distraught and wants me to drop this complaint now. She fears more illegal retaliatory action of these defendants toward our family. I've had to contact the Federal Trade Commission and ask them for advice on what to do next due to this breach of my personal information.



I request of this Honorable Court that all my and my families personal identifiable information be edited out and the defendants charged with these serious crimes committed against the plaintiff's person and family. If the court requires, the plaintiff will cooperate with Federal Authorities to see these defendants held accountable for these criminal acts.

Respectfully submitted,

Plaintiff

Michael J Hyde

148 Brickel Rd

Stoughton, Ma. 02072

617-697-8893

# Massachusetts State Police

## Arrest Report

\$500  
bail cash  
warning

Printed By: MSP2597

Print Date: 2003 08 17

### Incident Information

Incident #: 2003-0H2-0251  
 SBTN: TS12200300730  
 Date/Time: 02/15/2003 08:17  
 Court Loc.: DEDHAM DC  
 City: NEEDHAM  
 Invest. Type: CRIME AGAINST PUBLIC ORD  
 Loc. Street/Route#: RT 95, DIR N, PROX SOUTH OF, EXIT  
 City/Town: NEEDHAM  
 Invest. Officer #: 2597 Name: TROOPER BAKER, PAU  
 Duty Station: H-2  
 Address: 450 WORCESTER ROAD, ROUTE 9  
 City: FRAMINGHAM, MA State: 01710  
 Zip: (508) 820-2250



### Subject Information

Wanted: N  
 Name: HYDE, MICHAEL  
 DOB: 11/24/1967  
 POB: BOSTON  
 Address: 148 BRICKEL RD  
 City: STOUGHTON  
 State: MA Zip: 02072  
 Phone:  
 SSN: edit  
 Marital Status: MARRIED  
 Father's Name: ANTHONY  
 Mother's Maiden: edit  
 Spouse's Maiden:  
 Sex: MALE  
 Age: 035  
 Race: WHITE  
 Height: 509  
 Weight: 170  
 Hair: BROWN  
 Eye Color: BROWN  
 Build: MEDIUM  
 Complex: LIGHT  
 Num. Of Children: 0  
 Occupation: MECHANIC  
 Emp./School:  
 Address:

place in file  
Hyde

### Charges

272-99-G WIRETAP, UNLAWFUL, ATTEMPT  
 272-99-F WIRETAP, UNLAWFUL  
 90-6 NUMBER PLATE VIOLATION

### Vehicle Information

License#: edit  
 State: MA Class: D  
 Status: ACTIVE  
 Vehicle Owner: HYDE, MICHAEL  
 Owner Address: 148 BRICKEL RD  
 City: STOUGHTON  
 State: MA Zip: 02072  
 Susp/Rev Date:  
 Reason:  
 eh. Reg Number: edit State: MA  
 Issued: Expiration:  
 eh Susp/Rev Date:  
 Reason:  
 Vehicle Stolen: N  
 Vehicle Towed By: NEGOSHANS  
 M/V Inv Attached: N Evi. Seized: N  
 VIN:  
 Vehicle Year: 1980  
 Vehicle Make:  
 Vehicle Color: WHITE  
 Vehicle Type: SEDAN-

### Custody Information

Assisted Officer#: Name:  
 Rights Adv. Officer#: 2597 Name: TROOPER BAKER, PAUL F  
 Photo Taken: Y Printed: N  
 Photo Taken By#: 2597 Name: TROOPER BAKER, PAUL F  
 Desk Officer#: TPR Name:  
 Person Called: WIFE Number: 617-789-3789

Breath Test Refused: BT1 Given By#: BT1 Result:  
 BT1 Date/Time: BT2 Result:  
 BT2 Date/Time: BT3 Result:  
 BT3 Date/Time: BT Action:  
 Incident Involve Abuse-Defined in Section 209A? N Medication: N  
 Medication Info:

Bailed By/Released To:  
 Person Contacted If Detox:  
 Subject Status: PENDING BAIL

Investigating Officer/ID#: 2597  
 TROOPER BAKER, PAUL F

Reviewing Officer/ID#: 500

<b>CRIMINAL COMPLAINT</b>		<b>0354CR000471</b>					
DEFENDANT HYDE, MICHAEL 148 BRICKEL ROAD STOUGHTON, MA 02072							
DATE OF BIRTH	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	
11/24/1967	M	W	5'09"	170	BRO	BRO	
INCIDENT REPORT #		SOCIAL SECURITY # edit					
DATE OF OFFENSE 02/15/2003		PLACE OF OFFENSE NEEDHAM					
COMPLAINANT ROUTHIER, RACHAEL				POLICE DEPARTMENT SP FRAMINGHAM HDQTRS			
DATE OF COMPLAINT 02/19/2003		RETURN DATE AND TIME <b>ARREST</b>					
COUNT-OFFENSE 1. 272/99/F WIRETAP, UNLAWFUL c272 §99(C)(1)							

**Trial Court of Massachusetts  
Dedham District Court**



TO ANY JUSTICE OR CLERK-MAGISTRATE  
OF THE DEDHAM DISTRICT COURT

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

on 02/15/2003 did wilfully commit an interception, or procure some other person to commit an interception or attempt to commit an interception, of some wire or oral communication, not being specifically excepted by G.L. c.272, §99, in violation of G.L. c.272, §99(C)(1). (PENALTY: state prison not more than 5 years; or jail or house of correction not more than 2½ years; or not more than \$10,000 fine; or both such imprisonment and fine.)

# PROSECUTION

COUNT-OFFENSE 2. 90/6 NUMBER PLATE VIOLATION c90 §6
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NOTE: THIS IS A CIVIL MV INFRACTION, SET FORTH HERE FOR PROCEDURAL PURPOSES ONLY. on 02/15/2003, while operating on a way a motor vehicle or trailer registered under G.L. c.90: (1) did fail to have its register number displayed conspicuously thereon by number plates at the front and rear of such vehicle, or a single number plate at the rear of such vehicle, as furnished or authorized by the Registrar of Motor Vehicles pursuant to G.L. c.90, §6 and §6C; or (2) did fail to keep such number plate or plates plainly visible and clean with the number legible and not obscured in any manner by the installation of any device obscuring such number, or covered with any glass, plastic or similar material that reduced the legibility or substantially diminished the reflective qualities of such number plate or plates; or (3) did fail to have its rear register number illuminated so as to be plainly visible at a distance of 60 feet during the period when such vehicle or trailer was required to display lights, in violation of G.L. c.90, §6 and 540 Code Mass. Regs. §22.02. (CIVIL ASSESSMENT from \$20: \$35; 2nd offense in 12 months: \$75; 3rd offense in 12 months: \$150.)

COUNT-OFFENSE 3. 272/99/G WIRETAP, UNLAWFUL ATTEMPT c272 §99(C)(1)
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on 02/15/2003 did wilfully attempt to commit an interception of some wire or oral communication, not being specifically excepted by G.L. c.272, §99, and in such attempt did [DESCRIPTION OF OFFENSE], in violation of G.L. c.272, §99(C)(1). (PENALTY: state prison not more than 5 years; or jail or house of correction not more than 2½ years; or not more than \$10,000 fine; or both such imprisonment and fine.)

COUNT-OFFENSE
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COMPLAINANT X	SWORN TO BEFORE CLERK-MAGISTRATE X	ON (DATE)	TOTAL COUNTS 3
(PROSECUTION COPY)	FIRST JUSTICE Hon. GERALD ALCH	COURT ADDRESS Dedham District Court 631 High Street Dedham, MA 02026-1848	
A TRUE CLERK-MAGISTRATE/ASST. CLERK COPY ATTEST: X	ON (DATE)		

- 3 -

EXAMPLE 2 SANCTIONS



# Norfolk County Sheriff's Office

## Release Report Pre-Trial

2004/05/25 21:38



**HYDE, MICHAEL JOHN**

148 BRICKEL ROAD  
STOUGHTON, MA 02072  
(781) 341-4299

Booking # **1015579**  
Inmate ID **27821**  
DOB **1967/11/24**  
SSN **EDIT**

### Risk Types:

Housing Unit:

Detainers Outstanding: **None**

Alias Used:

Previous Incarcerations: **N/A**

Release Type: **Released on Bail**

Released To: **Street**

Release Comments:

Warrants Checked: **YES**

Notifications Completed:

Personal Property Return: **YES**

Police Dept. Notified: **NO**

### Commitment Info

Booking Code: **DISP**

By: **Dedham District**

Arrested By: **Mass State Police**

Disposed: **Dedham District**

Docket: **0354CR0471**

Next Court Dt: **2004/06/02**

Bail: **\$500 Cash**

OBTN:

SID:

FBI:

Offense: **WIRE TAP**

Statute:

### Personal Info

Sex: **M** Hair: **BRO** Eyes: **GRN** Hgt: **5'9"** Wgt: **165** Race: **W** Ethnicity: **W**

Skin Tone: **LGT** Marital Sts: **M** Children: **0** Religion: **CAT** Education: **14**

Military: **NO** Occupation: **MECHANIC** Birth Place: **BOSTON**

Citizen: Self Reported Physical **Good**

Scars, Marks, Tattoos:

### Family Info

Spouse: **HYDE, EVELYN G**

Phone: **(781) 341-4299**

**148 BRICKEL ROAD, STOUGHTON, MA 02072**

Mother: **HYDE, CLAIRE N/A**

Phone:

**Deceased**

Father: **HYDE, ANTHONY JOHN**

Phone: **(781) 356-7290**

**11 BODETT STREET, QUINCY, MA 02169**

**Living**

Emergency: **HYDE, EVELYN G**

Phone: **(781) 341-4299**

**148 BRICKEL ROAD, STOUGHTON, MA 02072 Spouse**

Inmate's Signature

Release Officer: **CRIOLO**

Printed: 2005/10/11 14:11

EXAMPLE 1 SANCTION

2.